

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest	)	MEMORANDUM DECISION
of L.I., a person under	)	(Not For Official Publication)
eighteen years of age.	)	
_____	)	Case No. 20050788-CA
	)	
A.I.,	)	F I L E D
	)	January 12, 2006
Appellant,	)	
	)	2006 UT App 10
v.	)	
	)	
State of Utah,	)	
	)	
Appellee.	)	

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Third District Juvenile, Tooele Department, 434989  
The Honorable C. Dane Nolan

Attorneys: Wayne A. Freestone, Sandy, for Appellant  
Mark L. Shurtleff, Carol L.C. Verdoia, and John M.  
Peterson, Salt Lake City, for Appellee  
Martha Pierce and Jim R. Michie Jr., Salt Lake City,  
Guardians Ad Litem

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Before Judges Bench, Greenwood, and Billings.

PER CURIAM:

A.I. appeals from a final order of the juvenile court terminating his parental rights. A.I. argues that there is insufficient evidence to support the juvenile court's ruling that A.I. abused or neglected L.I., his daughter.

Under Utah Code section 78-3a-407(1), a juvenile court "may terminate all parental rights with respect to a parent if it finds any one of" nine separate grounds to be present. Utah Code Ann. § 78-3a-407(1) (2002). Thus, a juvenile court's finding that any one of the grounds set forth in the statute has been met is sufficient to justify a termination decision. See In re D.B., 2002 UT App 314, ¶13 n.4, 57 P.3d 1102.

Here, the juvenile court found that termination of A.I.'s parental rights was justified under five of the grounds

enumerated under section 78-3a-407(1). Specifically, the court found that termination was appropriate due to: (1) A.I.'s abuse and neglect of the child, including emotional abuse; (2) A.I.'s unfitness or incompetency as a parent; (3) A.I.'s unwillingness to remedy the circumstances that caused the child to be in an out-of-home placement, and a substantial likelihood that he will not be capable of exercising proper and effective parental care in the near future; (4) A.I.'s failure of parental adjustment; and (5) A.I.'s failure to give care to the child after return to the home. See Utah Code Ann. § 78-3a-407(1)(b)-(e), (h).

A.I.'s only argument on appeal is that there was insufficient evidence to determine that he abused or neglected L.I. A.I. does not argue that the court erred in its conclusions regarding any of the other grounds for termination. "As a result, we accept these findings as adequately supported by the record. . . ." In re M.E.C., 942 P.2d 955, 960 (Utah Ct. App. 1997). Because each of these grounds "can independently support the juvenile court's order to terminate" his parental rights, id., the juvenile court did not err when it terminated A.I.'s parental rights.

Moreover, A.I.'s sole argument is without merit. A.I. contends that the "only" evidence of abuse was in the form of emotional abuse when L.I. witnessed an act of domestic violence between A.I. and L.I.'s mother, and that this was insufficient to support a finding of abuse or neglect. A.I.'s factual contentions are not supported by the record. Furthermore, Utah Code section 78-3a-103(a) defines an "abused child" as one who "has suffered or been threatened with nonaccidental physical or mental harm, negligent treatment, or sexual exploitation." Utah Code Ann. § 78-3a-103(a)(i) (Supp. 2005) (emphasis added). Thus, there was sufficient evidence to support the juvenile court's conclusion that A.I. neglected or abused L.I.

The order of the juvenile court is affirmed.

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Russell W. Bench,  
Presiding Judge

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Pamela T. Greenwood,  
Associate Presiding Judge

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Judith M. Billings, Judge